IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SHOW CAUSE NOTICE NO.1540 OF 2005

AND

CONTEMPT PETITION NO.64 OF 2005

IN

NOTICE OF MOTION NO.674 OF 2002

IN

S.C.SUIT NO.3289 OF 2000

Abbas Rasulbhai Tarwala. ...Petitioner/
(Orig.defendant.)

vs.

Alihussein Rasulbhai Tarwala. ...Respondent/
(orig.plaintiff.)

Mr.S.A.Sawant, for Petitioner.

Mr.S.S.Purohit i/b. Zohair & Co., for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 14th March, 2007.

P.C.:-

1. By this petition it is alleged that the respondent has

committed willful breach of the order dated 27.4.2005. Perusal of that order shows that the total amount of Rs.1,68,000/- was found to be due and payable by the respondent to the Court Receiver. The Court by that order 27.4.2005 gave credit of Rs.81,000/- which was deposited by him as security deposit. Thus the amount in balance is Rs.87,000/-. The Court permitted the respondent to pay amount of Rs.87,000 in ten equal monthly installments. The first installment was to be paid in May,2005. It is true that the respondent did not make payment in May,2005. But the fact remains that the entire amount that was to be deposited by the respondent, was deposited by him by October,2005. The respondent as per the order dated 27.4.2005 had it disposal the time till March,2006 to deposit the amount but he has completed depositing the amount by October,2005. Therefore, there may be technical breach of the order committed by the respondent, in my opinion, it cannot be said that he has deliberately violated the order or he is guilt of having committed contempt of this Court. The contempt petition, therefore, is disposed of. Show cause notice is discharged

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